



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## THE TERM LYNCH LAW.

THOUGH a discussion of the practice of lynch law does not come within the scope of this paper, yet a brief outline of the practice is pertinent.<sup>1</sup> Whether the criminal laws were adequate and their administration efficient, during our colonial period, need not be debated here. It is sufficient to point out that for more than half a century before the term lynch law is encountered, lawlessness had existed to a greater or less extent in various parts of the country. Complaints about desperadoes were heard in the back parts of the Carolinas as early as 1752,<sup>2</sup> and between 1767 and 1771 occurred the movement of the Regulators. In 1765 the Stamp Act ushered in a decade of violence, chiefly of a political character and directed against those of Tory proclivities. With the outbreak of actual war in 1775, an increase of illegal acts was inevitable. Finally, the constant pushing westward of the frontiers, with the consequent rough life found along the borders, furnished a new field of action for those who took the law into their own hands. These self-constituted ministers of justice, whose usual punishment was the application of thirty-nine lashes, were sometimes called "regulators,"<sup>3</sup> sometimes

<sup>1</sup> DR. J. ELBERT CUTLER, of Yale University, is now preparing a monograph to be entitled, *Lynch Law: an Investigation into the History of Lynching in the United States*. Through the kindness of its author, I have read in manuscript four chapters of this monograph, and to it I am indebted for several extracts.

<sup>2</sup> A. GREGG, *History of the Old Cheraws* (1767), p. 131.

<sup>3</sup> This word occurs in 1752, was adopted by certain persons in the Carolinas in 1767-1771, reappeared in 1819, was exceedingly common for many years, but is now little used.

"We hear from *Elizabeth-Town*, that an odd Sect of People have lately appeared there, who go under the Denomination of *Regulars* [*sic*]; there are near a Dozen of them, who dress themselves in Women's Cloaths, and painting their Faces, go in the Evening to the Houses of such as are reported to have beat their Wives; where one of them entering in first, seizes the Delinquent, whilst the rest follow, strip him, turn up his Posteriors, and flog him with Rods most severely. . . . 'Twere to be wish'd, that in order for the more equal Distribution of Justice, there wou'd arise another Sect, under the Title of *Regulatrixes*, who should dress themselves in Men's Cloathes, and flagilate the Posteriors of the Scolds, Termagants, &c.," *New Jersey Archives* (1752), Vol. XIX, pp. 225, 226.

"My Case being happily nois'd abroad, induced several generous young Men to discipline him. These young Persons do stile, or are stiled, REGULATORS; and so they are with Propriety; for they have regulated my dear Husband, and the rest of the bad Ones hereabouts, that they are afraid of using such Barbarity," *New Jersey Archives* (1753), Vol. XIX, p. 326.

"moderators;"<sup>1</sup> and the expressions "club law," "gag law," and "mob law" were occasionally employed;<sup>2</sup> but it is not until 1817 that we meet with lynch law—a term which soon came to include every sort of punishment, from banishment to death, that might be illegally inflicted. Even thus early, however, such punishments were thought to be no longer necessary, and between 1820 and 1830 writers regarded the practice of lynch law as on the wane and likely soon to disappear altogether before advancing civilization. But in the next decade came the anti-slavery agitation, the practice revived and spread throughout the country, the punishments became more and more severe, negroes then first became victims, and many terms of a sinister character were added to the English language.

The purpose of this paper is to show the history of these terms, and to consider the theories which have been advanced as to their

"The means to suppress those licentious spirits that have so lately appeared in the distant parts of the Province, and, assuming the name of Regulators, have, in defiance of Government, and to the subversion of good order, illegally tried, condemned, and punished many persons, require an attentive deliberation."—Lord Charles G. Montagu, in A. GREGG, *History of the Old Cheraws*, p. 136.

"At a general meeting of the Regulators held April 4<sup>th</sup> 1768 it was agreed to send Peter Craven and John Howe," *Colonial Records of North Carolina*, Vol. VII, p. 702.

"Charlestown, (South-Carolina) Sept. 12. The people called regulators have lately severely chastised one Lum," *Boston Chronicle* (1768), No. 42, Vol. I, p. 381 2.

"These regulators are self-appointed ministers of justice, to punish or destroy those whom the law cannot touch."—W. FAUX, *Memorable Days in America* (1823), p. 318.

"On such occasions therefore, all the quiet and industrious men of a district form themselves into companies, under the name of 'Regulators.'"—W. N. BLANE, *Excursion through the United States and Canada* (1824), p. 234.

"A band of so-called 'regulators' served notice on certain peaceable and law-abiding colored citizens that they must leave the county," *Nation* (1897), Vol. LXV, p. 253/2.

<sup>1</sup> This word is occasionally but not often met with.

"Various accounts continue to be received from the back country. A new set of people, who call themselves Moderators, have appeared against the Regulators."—In A. GREGG, *History of the Old Cheraws*, p. 182.

"The citizens of our border country have witnessed these men under the names of regulators and moderators, committing in the territory of Texas some of the most barbarous cruelties of the 19<sup>th</sup> century," *Niles' Register* (1841), Vol. LXI, p. 149/3.

"The lynchers, or 'regulators,' as they are often called, soon find that their foes organize also; arm themselves, and prepare for systematic resistance, under the denomination of 'moderators,'" *Harbinger* (1847), Vol. V, p. 136 1.

"Ere long . . . a counter party is got up, nominally to keep the regulators in check. The last formed parties are called moderators, and invariably contain all the spare rascals in the county whom the regulators have not already received into their ranks," *American Whig Review* (1850), Vol. XI, p. 462.

<sup>2</sup> In addition to these terms for summary modes of punishment, there are others which have long been used in the British Isles but which are unknown in this country: as, Cupar justice, Halifax law, Jeddard justice, Lydford law, Stafford law.

origin. The former object can best be attained by a series of brief extracts. The original expression was not lynch law but Lynch's law.

### LYNCH'S LAW.

In the year 1792, there were many suits on the south side of James river, for inflicting Lynch's law.<sup>1</sup>

The people of the place deputed . . . four persons to inform him, that unless he quitted the town and state [Indiana] immediately, he should receive Lynch's law, that is, a whipping in the woods.<sup>2</sup>

No commentator has taken any notice of *Lynch's Law*, once the *lex loci* of the frontiers.<sup>3</sup>

"LYNCH'S LAW." We have heard, that capt. *Slick*<sup>4</sup> summoned his corps the other night, and obtained possession of a man with whose misdeeds they had become familiar, carried him to the prairie near town [St. Louis], and administered "Lynch's law" upon him in fine style. He received about fifty lashes.<sup>5</sup>

*Lynch's Law*.—The colored population since the late riots [in New York], also seem determined to take the law into their own hands. Saturday . . . the negro loafers . . . apprehended one of their

<sup>1</sup> 1817, Judge Spencer Roane, in W. WIRT's *Life of P. Henry* (1818), p. 372. In his *Patrick Henry*, Vol. II (1891), p. 482, Mr. W. W. HENRY printed, no doubt through error, "Lynch law."

<sup>2</sup> 1819, November 29, W. FAUX, *Memorable Days in America* (1823), p. 304.

<sup>3</sup> J. HALL, *Letters from the West* (1828), p. 291. Most of these letters had already been printed in the *Port Folio* between 1821 and 1825, Vols. XII-XIV, XVI-XX; but the letter about lynch law first appeared in the book.

<sup>4</sup> "Capt. Slick" was again mentioned in the *Liberator* of October 3, 1835, Vol. V, p. 157/1, where we learn that "there has also been a company formed, who go by the name of 'Capt. Slick,' or 'Lynch'—these take the law into their own hands, go in disguise, and whip and hang all they think deserving." The following extract is from the *Liberator* of August 22, 1835, Vol. V, p. 136/2: "Gregory . . . was sentenced to 50 lashes, and . . . Terrell . . . received 150 lashes. . . . This is called *slicking*, and is performed in the following manner: The prisoner is stripped naked, and laid on his belly, his hands and feet fastened to four pegs, when with a coleman he receives the stripes from different hands. The younger was slicked with a vengeance—his back was literally flayed." In the *Liberator* of December 4, 1857, Vol. XXVII, p. 196/4, we read that great excitement existed in Barton County, Missouri, "on account of the doings of a set of lawless wretches called 'Slickers,' who pretended to be after a horse thief, but who 'slicked' or barbarously beat several men until their lives were despaired of." This use of the word *slick* is apparently not recognized by American lexicographers. With "Capt. Slick" may be compared "Squire Birch," mentioned by Judge J. Hall in 1828: "Squire Birch, who was personated by one of the party, established his tribunal under a tree in the woods, and the culprit was brought before him, tried, and generally convicted; he was then tied to a tree, lashed without mercy, and ordered to leave the country within a given time, under pain of a second visitation," *Letters from the West*, p. 292. In 1846 J. W. MONETTE wrote that "Chief-justice 'Birch' established his tribunal under a forest canopy," *History of the Discovery and Settlement of the Valley of the Mississippi*, Vol. II, p. 17.

<sup>5</sup> *Niles' Register* (1833), Vol. XLV, p. 87/1.

fraternity . . . at Peck slip, and placing him thwart-ways across an empty hogshhead, proceeded to apply to his person a gentle flagellation, with a delicate cowhide.<sup>1</sup>

In our quiet village of New Holland [Pennsylvania], we understand *Lynch's law* was carried into execution last week, against a stranger who . . . was taken from his domicile, tarred and feathered in the true Yankee style, marched out of town and let run. . . . We have heard of another case of an appeal to Lynch's code.<sup>2</sup>

They have one in jail. They took him out yesterday, and gave him Lynch's law, that is 39 lashes in this country [Mississippi].<sup>3</sup>

Such, however, is too often the administration of law on the frontier, "Lynch's law," as it is technically termed.<sup>4</sup>

Forty years ago, the practice of wreaking private vengeance, or of inflicting summary and illegal punishment for crimes, actual or pretended, which has been glossed over by the name of *Lynch's Law*, was hardly known except in sparse, frontier settlements, beyond the reach of courts and legal proceedings.<sup>5</sup>

#### LYNCH LAW.

*Lynch-Law Operations.*—The Cincinnati Whig of July 23d, says, "a gentleman . . . received a letter from Madison, (Miss.) which states that eighteen more of the gambling crew . . . were waiting execution under the same laws as those put in force at Vicksburg."<sup>6</sup>

Anti-gaming societies have been introduced into a number of cities and towns. *Executions* by "*Lynch law*," have been numerous.<sup>7</sup>

I have just returned from witnessing the most horrid sight that ever fell to the lot of man, viz: the execution of "Lynch Law" upon a yellow fellow, by the horrible means of a *slow fire*.<sup>8</sup>

Perhaps some of our brethren in the Maine Conference will be diverted a little, on hearing that two of their delegates wrote opposite to each of their names, when they entered them in the stage or passengers' book at *Wheeling, Va.*, "*No Abolitionist.*" When in the land of "Lynch law" we must mind our P's and Q's you know.<sup>9</sup>

<sup>1</sup> *New York Star* in *Boston Post* (August 1, 1834), p. 2/3.

<sup>2</sup> *Liberator* (1834), Vol. IV, p. 153/2. In the second instance, "a celebrated Philadelphia Doctor" was threatened with tarring and feathering.

<sup>3</sup> *Liberator* (1835), Vol. V, p. 124/4. For all the extracts taken from the *Liberator*, I am indebted to Dr. J. E. Cutler.

<sup>4</sup> W. IRVING, *Tour on the Prairies* (1835), p. 41.

<sup>5</sup> *Southern Literary Messenger* (1839), Vol. V, p. 218. The original term became obsolete about this time, and I have not noted it after 1842.

<sup>6</sup> *Liberator* (1835), Vol. V, p. 131/5. In the *Liberator* of August 1, 1835, Vol. V, p. 124/4, a headline ran thus: "LYNCH LAW—FIVE GAMBLERS HUNG WITHOUT TRIAL."

<sup>7</sup> *Niles' Register* (1835), Vol. XLVIII, p. 439/2.

<sup>8</sup> *Liberator* (1836), Vol. VI, p. 83/3.

<sup>9</sup> *Zion's Watchman* in *Liberator* (1836), Vol. VI, p. 99/4.

All good men must unite in condemning, as barbarous and unchristian, the resort to external Force; in other words, to the arbitrament of War, to international Lynch Law, or the great Trial by Battle, to determine justice between nations.<sup>1</sup>

### JUDGE LYNCH.

Warwick . . . . had no sooner . . . . emerged from the court house, than he was stripped of his clothing, and a plentiful coat of *tar* and *feathers* applied to him. He was afterwards whipped until almost insensible to pain. . . . It is said that during the execution of judge Lynch's sentence, the culprit frequently begged to be shot.<sup>2</sup>

*Judge Lynch in Brownsville, Tenn.* In accordance with a judgment pronounced by this distinguished dignitary, a man named Anson Moody was on the 12th instant made to receive one hundred lashes, and the brand of the letter R. on his cheek.<sup>3</sup>

From a written notice that met our eyes on the corner of the square, headed blacklegs beware! followed by a polite intimation that their absence would be particularly desirable by a certain given time; we suppose that the judge [*Lynch*] is about commencing the *Illinois circuit*.<sup>4</sup>

But to be serious—*Judge Lynch*, who presides with so much dignity in the grand courts of Mobocracy, and his myrmidons, forget . . . that "the blood of the martyrs was the seed of the church."<sup>5</sup>

<sup>1</sup> C. SUMNER, in *Memoir and Letters* (1845), Vol. II, p. 379. To give later examples of so common a term is needless, but it may be added that the attributive use of lynch law is not uncommon, as: "Lynch-law brother" (1887), "Lynch-law code" (1846), "Lynch-law halters" (1857), "Lynch-law pleas" (1859), "Lynch-law proceedings" (1857), "Lynch-law reports" (1892), "Lynch-law violence" (1857), etc.

<sup>2</sup> *Niles' Register* (1835), Vol. XLVIII, p. 397/1. "Judge Lynch," of whose decisions we have heard so much since this date, is of course a purely jocular title, and he is sometimes referred to as "his honor, Chief justice Lynch" (*Niles' Register*, 1844, Vol. LXVI, p. 428/3), as "Mr. Justice Lynch" (*All the Year Round*, 1861, Vol. VI, p. 321/1), and as Hon. Justice Lynch" (*New York Herald*, December 26, 1871, p. 5/5). Similarly, we occasionally hear of "Doctor Lynch": "The citizens of Natchez . . . notified the gamblers of that city if they did not relieve it of their presence within twenty-four hours, judgment would be passed on them by Doctor Lynch, and punishment on the Vicksburg plan be immediately administered to them" (*Liberator*, 1835, Vol. V, p. 126/5). Other jocular titles are sometimes found, as "Judge Hang" and "Judge Law": "Judge Lynch . . . Pinned it into a chap a few days ago, down on the Runs in this district. . . . We learn that Judge *Hang* presided there and passed sentence on him" (*Niles' Register*, 1835, Vol. XLIX, p. 65/1). "Sometimes a few of the principal officers of Judge Lynch are called to an account by Judge Law (*Enemies of the Constitution Discovered*, 1835, p. 52). As showing what curious coincidences sometimes occur, it may be added that Judge Lawless, who made a famous charge in 1836 about the acts of "the few" and of "the many," was the name of a real person. (See *Liberator*, 1836, Vol. VI, p. 102/1; H. MARTINEAU, *Retrospect of Western Travel*, 1838, Vol. II, p. 208.)

<sup>3</sup> *Liberator* (1835), Vol. V, p. 169/5.

<sup>4</sup> *Niles' Register* (1835), Vol. XLIX, p. 149/1.

<sup>5</sup> *Liberator* (1838), Vol. VIII, p. 89/4. In his *Western Characters* (1853), p. 244, J. L. MCCONNELL printed an agreement which purports to have been drawn up in Illinois October 12, 1820. In this there is an allusion to "the code of his honor, Judge Lynch." If genuine, this carries the title back considerably earlier than any certain example of it; but the genuineness of the agreement, like that of the document (to be mentioned later) of September 22, 1780, is in doubt.

## TO LYNCH.

If all the O'Connells were to challenge me, I could not think of meeting them *now*. I consider and everyone else does that they are lynched.<sup>1</sup>

The citizens of Vicksburg formed an anti-gambling society on the 4th, and at night Lynched one of the fraternity. The next . . . night another was Lynched.<sup>2</sup>

In this county several whites have been *Lynched* and ordered off.<sup>3</sup>

The evidence . . . produced an unanimous verdict on the part of the jury, that two should be *Lynched* and the other two excused. . . . The parties that were Lynched have left the county.<sup>4</sup>

There is no want of laws, heaven knows—and so do those who have been Lynched in person and property—but there is a want of respect for them.<sup>5</sup>

They were soundly flogged, or in other words—*Lynched*.<sup>6</sup>

Several . . . proceeded to the residence of judge BERMUDEZ, with a view to *lynch him* or to inflict *some severe punishment upon his person*.<sup>7</sup>

I plunged my horse into the waves. Hard was the struggle but . . . my horse at length brought me safely through on the bridge and then on the opposite bank. . . . Probably I shall never forget Lynches Creek; for it had well nigh Lynch<sup>d</sup> me.<sup>8</sup>

THE BOSTON RECORDER LYNCHED! The "Committee of Vigilance of the Post office" at Richmond, Va., has forbid the entrance of the Boston Recorder into that city!<sup>9</sup>

I have *Lynched* all the trees,—that is, *tarred* them.<sup>10</sup>

Our Mississippi friend . . . I believe would have been ready to lynch on the spot any one who should have assailed his Quaker friend.<sup>11</sup>

The other class . . . were then either lynched or warned to leave the county in so many days, or else shot if they persisted in remaining.<sup>12</sup>

<sup>1</sup> 1835, May 9, B. DISRAELI, in *Correspondence with His Sister* (1880), p. 37. Taken from the *Oxford Dictionary*, where Mr. Bradley says: "Apparently misused for: To render infamous." On May 6, Disraeli had written: "There is but one opinion among *all* parties, viz. that I have *squabashed* them" (p. 36). Perhaps, therefore, he meant that the O'Connells had been "squelched" by the public letters he had written.

<sup>2</sup> *Liberator* (1835), Vol. V, p. 126/5.

<sup>3</sup> *Liberator* (1835), Vol. V, p. 130/5.

<sup>4</sup> *Niles' Register* (1835), Vol. XLIX, p. 77/1.

<sup>5</sup> *New York Transcript*, in *Liberator* (1835), Vol. V, p. 192/3.

<sup>6</sup> *Liberator* (1835), Vol. V, p. 204/3.

<sup>7</sup> *Niles' Register* (1836), Vol. LI, p. 69/1.

<sup>8</sup> W. H. WILLS, in *Publications of the Southern History Association* (1837), Vol. VI, p. 479. See, too, *Nation* (1903), Vol. LXXVI, p. 225. The writer was crossing Lynch's Creek, South Carolina.

<sup>9</sup> *Liberator* (1838), Vol. VIII, p. 131/2.

<sup>10</sup> 1839, April 7, H. W. LONGFELLOW, in *Life* (1891), Vol. I, p. 339.

<sup>11</sup> 1839, August 8, J. G. WHITTIER, in *Life and Letters* (1894), p. 246.

<sup>12</sup> *American Whig Review* (1845), Vol. I, p. 122.

Harris, . . . . who murdered Mr. Moseley, . . . . was taken out of prison by a mob . . . . and was no doubt lynched by them.<sup>1</sup>

Their plans . . . . were, to demand that Lawrence . . . . should be demolished, the leaders of the free-state party lynched, and the others warned to leave the territory.<sup>2</sup>

As soon as it was known that the prisoner was not to be hung, . . . . threats were made that if she was not condemned to death, the people themselves would lynch her.<sup>3</sup>

FOUR MEN LYNCHED IN TEXAS.—In addition to the many accounts of lynchings in Texas we have the following from the *Novarro Express*. No reasons are given for hanging up four citizens of the place.<sup>4</sup>

Judge Almond . . . . said to me: "Doctor, you didn't know it, but I saved both your lives . . . . at Platte City. . . . I found that a paper was circulating among the outside people, which pledged the signers to take you from the officers and lynch you."<sup>5</sup>

#### LYNCHER.

The Lynchers not satisfied with the result, brought him before their peculiar tribunal.<sup>6</sup>

The St. Louis Lynchers next ordered the heads of Marion College to hold a public meeting, and declare their convictions and feelings on the subject of slavery.<sup>7</sup>

#### LYNCING.

MORE "LYNCING!" . . . . Short . . . . cut his [victim's] throat to the neck bone. . . . He was taken . . . . and executed, by hanging.<sup>8</sup>

*Horrible Lynching* . . . . Crook and Carter . . . . have been taken by force from prison by some of the citizens of that county and hung!<sup>9</sup>

LYNCING. A singular act of lynching was perpetrated recently at the Oberlin theological institute. . . . They secured the man's person, gagged and blindfolded him, and then inflicted 25 lashes on his bare back with a cowhide.<sup>10</sup>

*Lynching in a Court House.* . . . . A mob rushed into the room, put out the lights, stabbed Carpenter in several places, and cut off his head, leaving him dead on the floor.<sup>11</sup>

<sup>1</sup> *Liberator* (1856), Vol. XXVI, p. 204/3.

<sup>2</sup> W. A. PHILLIPS, *Conquest of Kansas* (1856), p. 195.

<sup>3</sup> *Liberator* (1857), Vol. XXVII, p. 160/4.

<sup>4</sup> *Liberator* (1860), Vol. XXX, p. 179/1.

<sup>5</sup> J. DOY, *Narrative* (1860), p. 78, note.

<sup>6</sup> *Liberator* (1835), Vol. V, p. 169/5.

<sup>7</sup> H. MARTINEAU, *Retrospect of Western Travel* (1838), Vol. II, p. 211.

<sup>8</sup> *Niles' Register* (1835), Vol. XLIX, p. 228/1.

<sup>9</sup> *Niles' Register* (1839), Vol. LVII, p. 256/1.

<sup>10</sup> *Niles' Register* (1841), Vol. LIX, p. 304/3.

<sup>11</sup> Quoted by J. S. BUCKINGHAM in his *Slave States of America* (1842), Vol. II, p. 449. While in the early days to *lynch* generally meant to whip or otherwise chastise, yet from almost the beginning the verbal substantive *lynching* was applied indifferently to a whipping or a hanging.



Lynching judgments are a worse step than the guarded measures of strictly legal vengeance.<sup>1</sup>

Lynching bees have become the pastime of the rougher element of a community.<sup>2</sup>

The lexicography of the subject may be rounded off with some examples of nonce words.

A lynch club—a committee of vigilance—could easily exercise a kind of *surveillance* over any neighborhood.<sup>3</sup>

The slave States continue to be excessively agitated. They appear to have organized Vigilance Committees and Lynch Clubs in various places.<sup>4</sup>

We are no advocates of Lynchism, nor ever can be.<sup>5</sup>

The very condition of public feeling which makes lynching possible, makes the conviction of negroes in the courts for all lynchable offences absolutely certain.<sup>6</sup>

#### ORIGIN OF THE TERM.

Turning, now, from the term itself to the theories as to its origin, these are found to be of a somewhat varied nature. In 1855 C. A. Bristed wrote:

*Linch*, in several of the northern-county dialects, means to beat or maltreat. Lynch Law, then, would be simply equivalent to *club law*; and the change of a letter may be easily accounted for by the fact that the name of Lynch is as common in some parts of America as in Ireland.<sup>7</sup>

Three years later this notion was somewhat improved upon by P. Thompson, as follows:

A sort of thong used by shoemakers in the time of Beaumont and Fletcher was called a *lingel*. . . . And as a strap was a very ready

<sup>1</sup> CORA MONTGOMERY, *Eagle Pass* (1852), p. 154. My attention was called to this book by Dr. J. E. Cutler.

<sup>2</sup> *Age-Herald* of Birmingham, Alabama, in the *Nation* of November 27, 1902, Vol. LXXV, p. 413/1. The attributive use of *lynching* is common, as: "lynching case" (1855), "lynching evil" (1899), "lynching habit" (1904), "lynching mob" (1902), "lynching party" (1857), "lynching pitch" (1894), "lynching tribunal" (1887), etc.

<sup>3</sup> W. H. BROADNAX, in W. L. GARRISON'S *Thoughts on African Colonization* (1832), Part II, p. 74. For this extract I am indebted to Mr. W. P. Garrison.

<sup>4</sup> 1835, September 17, W. L. GARRISON, in *Life* (1885), Vol. I, p. 519. Such expressions are also found as: "lynch code" (1838), "lynch committee" (1835), "lynch court" (1838), "lynch epidemics" (1897), "lynch mob" (1838), "lynch punishment" (1843), "lynch system" (1839), "lynch tribunal" (1843), "lynch verdict" (1852), etc.

<sup>5</sup> *Liberator* (1838), Vol. VIII, p. 89/2.

<sup>6</sup> *Nation* (1893), Vol. LVII, p. 222/3.

<sup>7</sup> "The English Language in America," in *Cambridge Essays*, p. 60.

instrument of punishment, it is probable that a *lingel* was frequently used for that purpose, and the phrase to *linge*, might be as common as to *strap* is at this time. To *linge* would be in use in daily parlance when the first colonists left England . . . and *linge* law, now called *Lynch* law, might be introduced as one of the rough necessities of the settlement. This would be only one out of some hundreds of words which are now called Americanisms; which are, in reality, good old English words, used generally in England two hundred years ago, and which have now become antiquated and obsolete here, although retained in America.<sup>1</sup>

In 1883 we were told about "the old Anglo-Saxon verb *linch*, meaning to beat with a club, to chastise, &c."<sup>2</sup> As a matter of fact, *linch*, a variant of *linge* (a word of obscure origin), so far from being an Anglo-Saxon verb, has not been traced earlier than 1600.<sup>3</sup> Moreover, so far as is known, *linch* and *linge* have never at any time been in use in this country. Finally, even if it should be discovered that these words were formerly common here, the original form of the term—Lynch's law—makes it all but certain that it could not have been derived from the verb *linch* or *linge*.

The original form of the term, Lynch's law, and the fact that in the early days even its derivatives were usually spelled with a capital L, indicate that the practice was called from some person of that name. Indeed, this suggestion occurred at the very beginning, for to the remark made by Judge Roane in 1817 was appended this note, presumably written by Wirt:

Thirty-nine lashes, inflicted without trial or law, on mere suspicion of guilt, which could not be regularly proven. This lawless practice, which, sometimes by the order of a magistrate, sometimes without, prevailed extensively in the upper counties on James river, took its name from the gentleman who set the first example of it.<sup>4</sup>

Who was "the gentleman who set the first example of it"?

<sup>1</sup> *Notes and Queries* of October 2, 1858, Second Series, Vol. VI, p. 278. In the same journal of December 18 a correspondent wrote: "Lynch-pin . . . is doubtless derived from the Anglo-Saxon *lynis*, an axle-tree, and means the axle-pin. Is lynch, then, a blow or jolt, to which of course the axle-trees of carts, &c., are continually subject?" (Vol. VI, p. 513).

<sup>2</sup> *Encyclopædia Britannica*, 9th ed., Vol. XV, p. 105.

<sup>3</sup> See the *Oxford Dictionary* and the *English Dialect Dictionary*.

<sup>4</sup> *Life of P. Henry* (1818), p. 372. The note is omitted in W. W. HENRY'S *Patrick Henry*.

To this question there have been several answers, but only three need extended notice.<sup>1</sup>

<sup>1</sup> It has also been suggested that lynch law is derived not from a person but from a creek. North Carolina and South Carolina has each a river called Lynch's Creek. How early the North Carolina creek received its name, I have been unable to ascertain, but in 1775 "Linches Cr." is found on H. Mouzon's map of North Carolina. In 1884 J. H. Wheeler related a story to the following effect. During the revolution there was a noted Tory named Major Beard, whose capture was determined on by Major John H. Drake, his son Britton Drake, and other patriots. This was finally accomplished, though only after a struggle between Britton Drake and Beard in which the latter was left for dead. But he revived, and "after some consultation it was resolved to take him as a prisoner to headquarters of Colonel Seawell, commanding in camp at a ford on Lynch Creek, in Franklin County, about thirty miles off. . . . After reaching camp, it was determined to organize a court-martial, and try him for his life. But before proceeding to trial, a report came that a strong body of Tories were in pursuit to rescue him; this created a panic, for they knew his popularity and power, so they hung him. The report proved a false alarm, and it being suggested that as the sentence had been inflicted, before the judgment of the court had been pronounced therefore it was illegal. The body was taken down, the court reorganized, he was tried, condemned, and re-hung by the neck until he was dead. The tree on which he was hung stood not far from Rocky Ford, on Lynch's Creek; and it became a saying in Franklin, when a person committed any offence of magnitude, that 'he ought to be taken to Lynch's Creek;' and so the word 'Lynch law' became a fixture in the English Language" (*Reminiscences and Memoirs of North Carolina*, pp. 172, 173). Wheeler added that this tradition was communicated to him by the Hon. B. F. Moore, who received it from the Drake family. Now it so happens that Wheeler had once before related the story of Beard. In 1851 he gave it as narrated to him by his "venerable and worthy friend Michael Collins, Esquire, of Warren, now in the 73d year of his age, and may be relied on for its correctness" (*Historical Sketches of North Carolina*, Vol. II, p. 274). Agreeing in some respects, the two stories differ widely in others. Major Beard, Major John H. Drake, and his son Britton Drake of the Moore version become Captain Beard, James Drake, Esq., and Albritain Drake in the Collins version. In the latter, too, the supposed killing of Beard is done, not by Albritain Drake but by his half-brother Robert Bridges. In the Collins version the *dénouement* is as follows: "They all went out to see his dead body, but Beard had recovered so as to sit up. He was then taken into custody. A negro man, Simon, who had a wife at Drake's, caught another one of his band, named Porch. These were taken to Colonel Seawell, in Franklin County. They were tried by a Court-martial, and both were forthwith hung. Such was the end of Captain Beard." There is nothing here about a hanging first and a trial afterwards; nothing about Lynch's Creek; nothing about lynch law. A comparison of the two stories leads to the conclusion that the "tradition" in the Drake family arose somewhere between 1851 and 1878, in which year Mr. Moore died. According to Wheeler, James Drake "lived to a good old age, and died in 1790;" while John H. Drake was a member of the North Carolina House of Commons in 1792-1796 and 1798, and of the North Carolina Senate in 1800 and 1805. For the Wheeler extract of 1884, I am indebted to Dr. J. E. Cutler.

Lynch's (or Lynche's) Creek, South Carolina, was known certainly as early as 1752 (A. GREGG, *History of the Old Cherokees*, p. 131). In his "Sectionalism and Representation in South Carolina," Dr. W. A. SCHAPER, speaking of the Regulators, said: "The settlers agreed to rely on lynch law, which received its name at this time" (*Annual Report of the American Historical Association for 1900*, Vol. I, p. 337). From his reply to a letter requesting his authority for this statement, it appears that Dr. Schaper relied too implicitly on his memory, and that Gregg, by whom he thought the statement had been made, so far from asserting that the *term* arose during the Regulator movement in South Carolina, had merely said that "they called themselves 'Regulators,' and thus 'Lynch law' had its origin at this period" (p. 128). Mr. W. E. Stone of Charleston reminds me that in 1859 DR. R. W. GIBBES had written: "The Regulation, an association of respectable planters, took the matter in hand, and enforced order by a system of Lynch law" (in J. B. O'NEALL's *Biographical Sketches of the Bench and Bar of South Carolina*, Vol. I, p. x). And in 1851, as Dr. J. E. Cutler informs me, J. JOHNSON had written: "This process, in what is now called 'lynch law,' was

## JAMES LYNCH OF GALWAY.

There formerly existed in Galway, Ireland, an influential family named Lynch. In 1493 James Lynch Fitz Stephen was mayor of the town,<sup>1</sup> and in the course of two centuries there grew up a tradition in regard to an event which is said to have occurred in that year. A son<sup>2</sup> of James Lynch murdered a young Spaniard,

then designated 'regulating,' and the associates for this purpose were called 'Regulators' " (*Traditions and Reminiscences of the American Revolution*, p. 544). Thus for over half a century South Carolina and lynch law have been associated together. Curiously enough, too, there is proof that the Regulators intended to, and presumably did, hold a meeting at Lynch's Creek: "CHARLES-TOWN, SOUTH CAROLINA, . . . July 25. . . . The last Accounts from the Back Settlements, say, that the People called the REGULATORS were to have a meeting at Lynch's Creek, on last Friday, where it was expected 1200 would be assembled " (*Boston Post-Boy* of August 22, 1768, No. 575, p. 2/1). The late Mr. Edward McCrady felt quite sure that "nothing to connect the term 'Lynch Law' with that of 'Regulation' or 'Regulators' in Carolina will ever be found " (*Nation* of January 15, 1903, Vol. LXXVI, p. 53). What future research may yield remains to be seen, but certainly nothing of the sort has yet been found.

<sup>1</sup> The archives of the town of Galway from 1485 to 1710, edited by J. T. GILBERT, were printed in 1885 in the *Historical Manuscripts Commission*, Tenth Report, Appendix, Part V, pp. 380-520. From these it appears that James Lynch Fitz Stephen was mayor in 1493, 1510, and 1515, and that he held the office of master in 1507, 1511, 1513, 1514, and 1518, after which his name disappears (pp. 385, 392-97). James Lynch is also sometimes called warden as well as mayor of Galway, and the commentators appear to regard the offices as identical. Such was not the case. In a charter dated January 26, 1396-97, Richard II. authorized the provost and burgesses to elect yearly among themselves a chief magistrate. In a charter dated December 15, 1484, Richard III. granted the privilege of yearly electing a mayor and two bailiffs. On September 24, 1484, Donat O'Murray, Archbishop of Tuam, erected the Church of St. Nicholas into a collegiate with one warden and eight vicars. By a bull dated the sixth of the Ides of March, 1484, Pope Innocent VIII. granted "for ever to the aforesaid sovereign, provost or mayor, bailiffs and equals of the said town a right of patronage, and of presenting the aforesaid priests to the warden, to be instituted vicars by him, and of presenting the warden to the said priests or vicars, to be instituted by them " (HARDIMAN, *History of Galway*, pp. 62, 68, 69, 234, 235, Appendix, pp. i-vi). The offices of warden and of mayor were annual. As James Lynch was mayor in 1493, he could not have been warden in that year; but he may have been warden some other year, though of this no proof exists.

<sup>2</sup> As to the name of this son, the stories differ. In 1824 H. DUTTON, in his *Statistical and Agricultural Survey of the County of Galway*, as quoted in *Black's Guide to Galway* (1868), p. 265, calls him "an only son." In the archives of Galway there is frequent mention of Stephen Lynch Fitz James between the years 1499 and 1516. In 1828 Prince PÜCKLER-MUSKAU gave the name of the son as Edward Lynch (*Tour in England, Ireland, and France*, 1832, Vol. I, pp. 265-78). At the back of the Church of St. Nicholas, there is a stone bearing this inscription: "This memorial of the stern and unbending justice of the chief magistrate of this city, James Lynch Fitzstephen, elected mayor A. D. 1493, who condemned and executed his own guilty son, Walter, on this spot, has been restored to its ancient site, A. D. 1854, with the approval of the Town Commissioners, by their Chairman, Very Rev. Peter Daly, P. P., and Vicar of St. Nicholas " (*Murray's Handbook for Travellers in Ireland*, 1878, p. 183). This memorial is a tablet on which is carved a skull and bones and the following inscription:

1624

REMEMBER DEATHE

VANITY OF VANITI &amp; ALL IS BUT VANITI.

In some accounts the date is 1524, but the above inscription is copied from a picture given by HARDIMAN in his *History of Galway*, facing p. 316.

confessed his crime, was tried, found guilty, and condemned to die. Spurred on by feelings of compassion, the populace endeavored to save the youth's life; but the inexorable father, in order to prevent a miscarriage of justice, either took upon himself the office of executioner and hanged his own son or saw that the sentence was carried out.<sup>1</sup> Though no trace of this story has been found in print before 1809,<sup>2</sup> yet the tradition can be shown to be of much older date. In 1674 Father Francisco de Ayora deposed:

Mr. James Lynch fitz Stephen built at his own cost and charges the quier of our blessed Lady's church in the west of Galway, and has most sumptuously adorned with glass windows the said church of Saint Nicholas in the year of Christ 1493. It was this James that gott his own son hanged out of one of the windowes of his house for having committed murther and broaken trust towards a st[r]anger, for to be an example of sincere fidelity to all posterity.<sup>3</sup>

In the same year James Lynch, archbishop of Tuam, deposed:

He also knows, that one Lynch being maior of said town, having heard that his son broak his word with a stranger, gott him immediately hanged out of the windows of his house, for an example to posterity. And this is publicked belived throughout all the province.<sup>3</sup>

Whether this tradition has some historical basis, and if so exactly what, perhaps will never be known;<sup>4</sup> but what the actual

<sup>1</sup> There is more than one version of the tradition, but the gist of the story is given in the text.

<sup>2</sup> In his *History of Galway* (1820), pp. 70-76, J. HARDIMAN gives the story as related by REV. E. MANGIN in his novel of *George the Third*, published in 1809. This novel I have not seen. Since then the story has been constantly repeated by writers and travelers, and about 1829 REV. E. GROVES of Dublin wrote a tragedy called *The Warden of Galway*. This play long held the stage, and was acted a few nights before Thackeray's arrival in 1842 (*Irish Sketch Book*, 1869, p. 167). It has apparently never been printed, but from the allusions to it in *Notes and Queries* of August 30 and October 11, 1862, Third Series, Vol. II, pp. 167, 296, it appears to have been "founded on the celebrated history of Walter Lynch, who was the warden or mayor of Galway, in the early part of the seventeenth century." Here we have a different name and a different date from the usual story. In 1846 Hardiman spoke of this tragedy and said that Mr. Groves "considers it as a popular story founded on fiction, well adapted for the genius of poetry, but inadmissible as an historic fact, without better evidence than has been hitherto adduced in its support" (*Miscellany of the Irish Archæological Society*, Vol. I, p. 69).

<sup>3</sup> *Miscellany of the Irish Archæological Society* (1846), Vol. I, pp. 50, 59.

<sup>4</sup> The *Calendar of Documents relating to Ireland* ends with 1307; the *Calendar of State Papers relating to Ireland* begins with 1509; and the *Calendar of the Carew Manuscripts* begins with 1515. Hence there is nothing in print from these sources for the year 1493. In the following works, which contain descriptions of Galway, there is no allusion to the story: J. SPEED, *The Theatre of the Empire of Great Britain* (1611), p. 143; W. CAMDEN, *Britain* (1637), Ireland, pp. 99, 100; R. O'FLAHERTY, *Chorographical Descriptions of West or H-Iar Connaught*,

facts were is really immaterial, for the commentators have been singularly at fault in seeing in this story an instance of lynch law. The son either did or did not commit a crime. If he was innocent and yet was hanged by his father, it was a case of simple murder on the part of the father. If the son was guilty, and the father insisted on the carrying out of a duly imposed sentence, the father was merely playing the part of an Irish Brutus.

To attempt to explain a term first met with in America in 1817, which then had the specific meaning of a whipping, and which from the nature of the case could not have been in existence many years, by an event alleged but not known to have occurred in Ireland in 1493, and which bore no resemblance whatsoever to lynch law, savors of the grotesque.

#### STEPHEN LYNCH OF JAMAICA.

Equally unsatisfactory was the attempt made to connect lynch law with a certain Stephen Lynch.<sup>1</sup> On January 20, 1687-88, James II. issued "A PROCLAMATION For the more effectual Reducing and Suppressing of PIRATES and PRIVATEERS in *America*."<sup>2</sup> A few days later the following notice appeared:

1684, pp. 35, 36 (first printed by the Irish Archæological Society in 1846); W. W. SEWARD, *Topographia Hibernica* (1797); E. WAKEFIELD. *Account of Ireland* (1812). James Lynch and lynch law were first associated together by D. M. STEVENS in *Notes and Queries*, of November 9, 1861, Second Series, Vol. XII, p. 365. In the same journal of August 23, 1862, Third Series, Vol. II, p. 147, a correspondent gives what purports to be an extract from "the Council Books of Galway" relating to "James Lynch, mayor of Galway in 1491." As already pointed out, the archives of Galway are silent on the subject. It does not follow, however, that the tradition is without historical basis, for the archives from 1487 to 1495 merely record the names of the mayors for those years. It may be added that a statute enacted in 1548 required that if any gentleman "apprehend any the townis adverssaries who doth spoyll and robe the Comens of the same of ther provicion and merchandiz by land or sea, and sending that naughty person into this town to answer for such faultes and crymis . . . ther shall a queste passe on him, and if the queste condemne him to death, the Mayor and officers forthwith shall put that person so condemnid to execution, withoute any respecte of grace or favore" (*Historical Manuscripts Commission*, p. 412).

<sup>1</sup> In *Notes and Queries* of October 23, 1858, Second Series, Vol. VI, p. 338, C. H. BAYLEY wrote: "In my opinion this term is derived from one Lynch, who in 1687-8 was sent to America to suppress piracy. (*London Gazette*, 2319., Feb. 6-9, 1687-8.) As the colonists did not administer law with vigour or certainty, owing to 'the difficulty of adhering to the usual forms of law in the newly fashioned territories,' Lynch was probably empowered to punish pirates summarily, whence this term would arise." This vague statement has since been frequently repeated, but the ascertainable facts are now given for the first time. In 1887 H. H. BANCROFT remarked that "in 1687 one Judge Lynch . . . is said to have executed justice summarily" (*Popular Tribunals*, Vol. I, p. 6).

<sup>2</sup> This proclamation was printed in the *London Gazette* of January 23-26, 1687-88, No. 2315, p. 1.

*Whitehall, Febr. 8. Stephen Lynch Esq;* being Appointed, with His Majesties Approbation, One of the Agents of Sir *Robert Holmes* His Majesties Sole Commissioner for suppressing of Pirats in *America*, and having received particular Directions amongst other things committed to his Trust, to carry his Majesties late Proclamation in that behalf to *Jamaica*, and to the Spanish Ports as well on the North Sea as to *Panama* on the South Sea, being furnished with all necessary Passports from the Crown of *Spain*; After which he is to remain for the further performance of this Service, at *Jamaica*: His Majesty has been Graciously pleased to continue the place of Consul in *Flanders* unto the said Mr. Lynch, to be executed by his Deputy during his Absence, as a Mark of His Majesties Grace and Favor to him.<sup>1</sup>

Stephen Lynch was in Jamaica by April 24, 1688, he visited certain of the Spanish ports, he left Jamaica for home March 15, 1689, and during his year's stay in the West Indies he appears to have incurred the dislike of everyone. His proceedings were perhaps arbitrary and ill-advised, but he did not inflict illegal punishments, and he never set foot on the soil of the present United States.<sup>2</sup>

#### CHARLES LYNCH OF VIRGINIA.

It cannot be doubted that the proper place to look for "the gentleman who set the first example" of lynch law, referred to but not identified by Wirt in 1817, is in this country. This gentleman was not again alluded to until 1835, when we were informed that the practice arose "many years ago" in Washington County, Pennsylvania, and that the party which held an impromptu trial of a poacher "proceeded to try him in due form, choosing one of their number, a farmer named *Lynch*, to be judge."<sup>3</sup> In the same year J. H. Ingraham remarked that

<sup>1</sup> *London Gazette* of February 6-9, 1687-88, No. 2319, p. 2/2.

<sup>2</sup> Admiral Sir Robert Holmes complained (August 12, 1688) that his "agent Mr. Lynch has received great discouragement from the Government of Jamaica in the business of suppressing pirates;" while Sir Francis Watson, President of the Council of Jamaica spoke (March 15, 1689) of Lynch as "a very troublesome and unsatisfied man," and declared (April 22, 1689) that Lynch "has stirred up irreconcilable enmity with the French, and his inconsiderate management has done nothing towards the repressing of pirates, for not one would come in after his severity and his threats," and that Lynch's "oppressive behaviour crippled the execution of the duke's commission." Stephen Lynch's career in the West Indies can be followed in the *Calendar of State Papers, Colonial Series, America and West Indies, 1685-1688*, Nos. 1715, 1725, 1734, 1759, 1775, 1777, 1782, 1801, 1801 I, 1865, 1884, 1945, 1946, 1948, 1951, p. 579; *Calendar of State Papers, Colonial Series, America and West Indies, 1688-1692*, Nos. 52, 52 I, 85, 85 II.

<sup>3</sup> *Niles' Register* (1835), Vol. XLVIII, p. 402/2. Washington County was formed out of Westmoreland County on March 28, 1781 (*Acts of the General Assembly of Pennsylvania*, 1782, pp. 438-44; *Pennsylvania Colonial Records*, Vol. XII, p. 681).

the "summary process of popular justice" was termed "'Lynch's law,' I believe from its originator."<sup>1</sup> In 1839 C. A. Murray said he believed the term originated "in one of the Southern States, where a body of farmers, unable to bring some depredators to justice, according to a legal form, chose one of their number, named Lynch, judge; from the rest they selected a jury, and from this self-constituted court they issued and enforced sundry whippings, and other punishments."<sup>2</sup> In 1842 Brande declared that lynch law "is said to have been so called from a Virginian farmer of the name of Lynch, who took the law into his own hands on some occasion, by chasing a thief, tying him to a tree, and flogging him with his own hands."<sup>3</sup> In 1844 we were told about "a very awful personage named Judge Lynch" of Arkansas, "whose unrivalled ability in the science of cross-questioning had often thrown light upon the most obscure cases" and had been "inherited from a famous Virginian ancestor of his" who was "a miller and a justice of the peace in the back woods."<sup>4</sup> In 1855 C. A. Bristed said that "it is usually explained as having been derived from the emphatic practice of a certain Judge Lynch, who lived somewhere in the 'Far West.'"<sup>5</sup> These statements and the persons alluded to in them are equally vague and shadowy.

We next come to a set of explanations in which a specific person is mentioned. In 1836 a writer declared that "it will be perceived from the annexed paper, that the law, so called, originated in 1780, in Pittsylvania, Virginia. Colonel William Lynch, of that county, was its author."<sup>6</sup> In 1846 F. Wyse wrote:

<sup>1</sup> *The South-West*, Vol. II, p. 186.

<sup>2</sup> *Travels in North America*, Vol. II, p. 79.

<sup>3</sup> *Dictionary of Science, Literature, and Art*, p. 689. Curiously enough, this was the first dictionary of any sort to recognize the term.

<sup>4</sup> G. W. FEATHERSTONHAUGH, *Excursion through the Slave States*, pp. 89, 90.

<sup>5</sup> *Cambridge Essays*, p. 80.

<sup>6</sup> *Southern Literary Messenger*, Vol. II, p. 389. This reference comes to me through Mr. J. P. Lamberton of Philadelphia and Mr. E. Ingle of Baltimore. The "annexed paper" was a copy of an agreement said to have been drawn up September 22, 1780. It is interesting, if genuine, but we are not told where it came from. It was reprinted by Mr. INGLE in his *Southern Sidelights* (1896), pp. 192, 193.

Who was this Col. William Lynch? There was a William Lynch who married Eleanor (Dorsey) Todd, the widow of Thomas Todd of Todd's Neck, Baltimore County, Maryland. Her will was proved in 1760, hence this William Lynch must have flourished about that



John Lynch, the terrible judge, was a native of South Carolina, who emigrated to Kentucky shortly after the pioneer, Daniel Boone, had established himself there. . . . The appointment of Lynch as a judge, and the first exercise of his jurisdiction, took place in the case of an Indian, who stole a horse from Daniel Boone. The Indian was caught, almost in the act, and Boone immediately instituted a court, and twelve jurors, to try the offence. John Lynch was elected chief justice. . . . Lynch was a daring dissolute fellow, addicted to every species of vice.<sup>1</sup>

In 1860 we were told that lynch law "derives its name from John Lynch, a farmer who exercised it upon the fugitive slaves and criminals dwelling in the 'dismal swamp,' North Carolina, when they committed outrages upon persons and property which the colonial law could not promptly redress."<sup>2</sup> And in 1875 we read of "James Lynch, a farmer of Piedmont, Va."<sup>3</sup> So far as I have been able to ascertain, all these were purely mythical persons.

Finally, we find lynch law associated with Charles Lynch of Bedford County, Virginia. In a conversation alleged to have taken place in 1834, but not recorded until 1859, R. Venable of Prince Edward County, Virginia, is reported to have said:

I knew Mr. Lynch well—as well as a stripling could be expected to know a dignified and venerable gentleman. He was for many years the senior and presiding justice of the County Court of Pittsylvania, whose

time; but whether he was of Maryland or of Virginia is not stated. (*Virginia Magazine*, 1895, Vol. III, p. 82.) There was also a William Lynch, a younger son of John Lynch, the founder of Lynchburg, Virginia. MRS. JULIA M. CABELL, in her *Sketches and Recollections of Lynchburg* (1858), pp. 20-22, says that "William Lynch was a colonel in the late war, and was stationed at Camp Holly." Camp Holly was near Newmarket, Virginia (F. B. HERRMAN, *Historical Register and Dictionary of the United States Army*, 1895, Vol. II, p. 509), and the Mexican war is presumably alluded to. Mrs. Cabell adds that William Lynch was "placed as a student at the University of Virginia." As Jefferson's institution was chartered in 1819, it is obvious that this William Lynch could not have been the alleged Col. William Lynch who drew up the alleged agreement of 1780.

When the 1836 writer spoke of Col. William Lynch of Pittsylvania County, he perhaps confused him with Col. Charles Lynch of Bedford County; but this is mere conjecture.

<sup>1</sup>*America*, Vol. I, pp. 203, 204. It need scarcely be said that the name of John Lynch does not occur in the list of Kentucky judges (1792-1847) given in L. COLLINS'S *Historical Sketches of Kentucky* (1848), p. 106. There was, however, a John Lynch at Harrodsburg, Kentucky, in 1775 (R. H. COLLINS, *History of Kentucky*, 1878, Vol. II, pp. 518, 519). But then there was a John Lynch in Pennsylvania (*Pennsylvania Colonial Records*, Vol. XI, p. 214), a John Lynch in Virginia, and doubtless a score of other John Lynches at the same period.

<sup>2</sup>J. HAYDN'S *Dictionary of Dates*, 9th ed., p. 409. The writer adds: "This mode of administering justice began about the end of the seventeenth century." The 7th ed., 1855, does not contain the term lynch law; the 8th ed. I have not seen. Where the editor, B. VINCENT, got the story, I do not know, but perhaps from some English newspaper.

<sup>3</sup>*Educational Notes and Queries*, Vol. I, p. 162.

terms he attended with remarkable punctuality. His advanced age prevented him from taking the field during the War of Independence, but no man more heartily embraced or more zealously supported the cause of the colonists. . . . Mr. Lynch was a man of enlarged mind, great decision of character, fixidness, almost sternness of purpose, but most eminently a law-loving and law-abiding man. . . . Our flourishing town of Lynchburg received its name in compliment to his worth.<sup>1</sup>

On November 25, 1842, Colonel William Martin wrote:

This method of breaking up combinations of rogues was first set on foot by Col. Charles Lynch, of Bedford county, where I was raised. He and my father were acquainted. (The same man for whom Lynchburg was named.) This plan was started some seventy or eighty years ago.<sup>2</sup>

In 1856 G. D. Brewerton said:

Lynch law owes its title to a certain Squire Lynch—a stern and uncompromising old patriot, who lived during “the times that tried men’s souls,” on his plantation, distant some three miles from the present site of Lynchburg, Va. It was the custom in those stirring days of the Revolution, for his neighbors, when they caught a tory, to bring the unlucky culprit before Squire Lynch, who at once organized a court of his own selection, in which he himself was judge, jury, and counsel for the prisoner. . . . A venerable oak, one of the real old settlers, is even now pointed out to the curious, as the canopy under which Judge Lynch

<sup>1</sup> *Harper's Magazine*, May, 1859, Vol. XVIII, pp. 795, 796. The lynching of the Vicksburg gamblers took place in 1835, not in 1834. It is impossible to say with certainty whom the writer had in mind, but the allusion to Lynchburg shows that either Charles Lynch or John Lynch is meant. Charles Lynch did take the field, while John Lynch, who was a Quaker and so a non-combatant, did not die until 1821. Again we have an allusion to Pittsylvania County, but apparently no Lynches were connected with that county. In 1753 Bedford County was formed out of Lunenburg County; in 1754 parts of Albemarle and of Lunenburg Counties were added to Bedford; in 1766 Pittsylvania County was formed out of Halifax County; in 1776 Washington County was formed out of Fincastle County; in 1782 Campbell County was formed out of Bedford. (HENING, *Virginia Statutes*, Vol. VI, pp. 381, 441, Vol. VIII, p. 205, Vol. IX, p. 257, Vol. X, p. 447; *Journal of the House of Delegates*, January 5, 1782, p. 73.)

<sup>2</sup> *Publications of the Southern History Association* (1900), Vol. IV, p. 464. Col. William Martin, a son of Gen. Joseph Martin, was born in 1765 and died in 1846. He was, therefore, seventy-seven years old when he wrote the passage in the text. Col. Martin says that the practice began between 1762 and 1772—that is, either before he was born or when he was not more than seven years old.

The statement that Lynchburg was named for Charles Lynch is frequently made, but appears to be an error. In 1786 there passed the Virginia legislature “An act to establish a town on the lands of John Lynch, in the County of Campbell” (HENING, *Virginia Statutes*, Vol. XII, pp. 398, 399). Forty-five acres of land, the property of John Lynch, were vested in ten trustees for the purpose of establishing “a town by the name of Lynchburg.” The proper founder of Lynchburg appears to have been John Lynch, and he has been so regarded by Mrs. Cabell and others. John Lynch was a brother of Charles Lynch and died October 31, 1821. Among the trustees were Charles Lynch and William Martin. Whether the latter was the Col. William Martin who wrote the passage in the text, I do not know; but if so, he was then only twenty-one years old.

held his rough and ready court; those who have seen it, say that the notches are still visible upon its moss-grown trunk, which, in "old lang syne," kept the cords from slipping, while the tory got his dose. The town of Lynchburg takes its name from the Judge.<sup>1</sup>

In 1870 E. A. Pollard wrote:

Lynchburg . . . was established in 1786 by an Irish emigrant of the name of Lynch. *En passant*, the term "Lynch law" was derived from his brother, a hot-tempered Irishman, who was colonel in the Revolutionary war, and who was in the habit of dealing summarily with the Tories and desperadoes who infested this part of the country.<sup>2</sup>

In 1875 E. King remarked:

An Irish emigrant gave his name, in 1786, to the town; and the famous term "Lynch law," now so universal, sprang from the summary manner in which this hot-headed Hibernian—a colonel in the Revolutionary army—treated such tories as were caught by him.<sup>3</sup>

In 1903 Mr. L. P. Summers said:

At the time in question [1779], Captain Charles Lynch, of Bedford County, was manager for the Commonwealth of the Lead Mines on New river, and, as a result of the visit of Captain Campbell to Montgomery in this year, he thereafter adopted Campbell's method of dealing with Tories and wrong-doers; and, ever after, during the war, when any of the inhabitants were suspected of wrong doing or treasonable conduct, they were dealt with according to what was termed "Captain Lynch's Law," and from this man and this occasion originated the term "Lynch Law," as it is practised throughout the nation, under peculiar conditions, at this day.<sup>4</sup>

In Charles Lynch at least a real person has been hit upon, and of the many candidates who have been proposed as the putative father of lynch law, he is the only one whose claims deserve serious consideration. Let us see who he was, for the above accounts are inaccurate and there were at least three of the name. The first

<sup>1</sup> *War in Kansas*, pp. 146, 147. The oak tree of 1856 was later singularly transformed into a walnut tree, for in 1900 MR. H. C. FEATHERSTON wrote: "On the lawn of the old Lynch homestead, two miles from the present flourishing village of Lynch Station, . . . still stands the walnut tree on which lynch law was first administered" (*Green Bag*, Vol. XII, p. 158). It will be remembered that a tree also figured in the "tradition" in the Drake family of North Carolina.

<sup>2</sup> *The Virginia Tourist*, p. 42.

<sup>3</sup> *The Great South*, p. 555.

<sup>4</sup> *History of Southwest Virginia and Washington County*, p. 293. In reply to an inquiry, Mr. Summers writes me that he can give "no further information in regard to the term 'Lynch Law' than such as is found in" his book and in D. SCHENCK's *North Carolina, 1780-81, 1889*, pp. 309, 310.

Charles Lynch was a redemptioner who came from Ireland to Virginia about 1725, married Sarah Clark the daughter of the planter to whom he had been sold by the captain of the ship that brought him over, took up large tracts of land, became a member of the House of Burgesses in 1748,<sup>1</sup> and died about 1750.<sup>2</sup> The second Charles Lynch, son of the first Charles Lynch, was the supposed originator of lynch law. The third Charles Lynch, son of the second Charles Lynch, was governor of Mississippi in 1836 and 1837 and died in 1853.<sup>3</sup> Hereafter in speaking of Charles Lynch, it will be understood that the second of the name is meant.

Charles Lynch was born in 1736 at Chestnut Hill, near Lynch's Ferry<sup>4</sup> across the James River, where Lynchburg was later founded; on January 12, 1755, he married Anne Terrill; between 1769 and 1776 he sat for Bedford County in the House of Burgesses;<sup>5</sup> in 1769 he signed the non-importation agreement;<sup>6</sup> in 1774 he was made a justice of the peace under a commission from Dunmore, and retained the position when the county court was reorganized according to the ordinance of the Convention passed July 3, 1776; in 1775 he was a colonel of militia for Bedford

<sup>1</sup> For Albemarle county (W. G. and M. N. STANARD, *Colonial Virginia Register*, 1902, pp. 122, 124),

<sup>2</sup> Mr. Featherston says that he died in 1753, while Dr. Page states that Sarah Lynch was a widow when she joined the sect of the Quakers at the Cedar Creek meeting on April 16, 1750.

<sup>3</sup> C. LANMAN, *Biographical Annals of the Civil Government of the United States* (1887), p. 311. R. LOWRY and W. H. MCCARDLE assert that this Charles Lynch "was bred to the business of a merchant, and for a number of years he was a successful merchant in the ancient town of Monticello" (*History of Mississippi*, 1891, p. 278). The name of Charles Lynch does not occur in JAMES D. LYNCH's *Bench and Bar of Mississippi* (1881). Yet in 1880 J. F. H. CLAIBORNE said that in 1835 Mr. Plummer carried Gallatin County "for his friend, Judge Lynch, the opponent of Runnels" (*Mississippi*, Vol. I, p. 426). This shows how easily the title of "Judge" is attached to any man who bears the name of Lynch. In a message to the Mississippi legislature, GOVERNOR LYNCH said: "However we may regret the occasion, we are constrained to admit, that necessity will sometimes prompt a summary trial and punishment unknown to the law" (*Liberator*, April 30, September 24, 1836, Vol. VI, pp. 72/2, 155/2). It is perhaps singular that the commentators should not have associated Governor Lynch with lynch law.

<sup>4</sup> For allusions to Lynch's Ferry, see *Journal of the House of Delegates*, January 1, 1785, p. 102; *Calendar of Virginia State Papers*, Vol. IV, p. 1.

<sup>5</sup> W. G. and M. N. STANARD, *Colonial Virginia Register* (1902), pp. 180-208. Dr. Page says that Charles Lynch became a burgess in 1767, but this is an error for 1769.

<sup>6</sup> J. BURK, *History of Virginia* (1805), Vol. III, p. 349.

County;<sup>1</sup> in 1777 he sat for Bedford County in the House of Delegates;<sup>2</sup> during and after the revolution he was employed at the lead mines and in the manufacture of saltpetre;<sup>3</sup> in 1781 he took part in the battle of Guilford Court House; in 1786 he was one of ten trustees appointed to establish the town of Lynchburg; and he died October 29, 1796.<sup>4</sup>

It is clear from this outline that Charles Lynch was a man of note in his local community, but in what has thus far been said there is nothing to warrant the association of his name with lynch law. There was, however, one episode in his career which perhaps justifies such an association. There is proof that in 1780 he illegally fined and imprisoned certain Tories.<sup>5</sup> Had Charles

<sup>1</sup> DR. PAGE writes: "We find, in 1778, that the court of Bedford 'doth recommend to his Excellency, the Governor, Charles Lynch as a suitable Person to exercise the Office of Colonel of Militia in this County.'" This would seem to be an error, as, under dates of November 7, 1775, and January 14, 1777, these entries are found: "Lynch, Colo. Charles, Waggon hire, Diets, &c., to Bedford Militia, 62.13.—. . . Lynch, Col. Charles, for sundry Persons, Acco<sup>t</sup>, 1089.7.8" (*Virginia Magazine*, Vol. X, pp. 295, 419).

<sup>2</sup> *Journal of the House of Delegates*, October 22, 1777, p. 3. Charles Lynch was apparently not a member after this session.

<sup>3</sup> *Journal of the House of Delegates*, November 17, 1779, pp. 60, 61; November 16, 1780, p. 19; *Calendar of Virginia State Papers*, Vol. IV, pp. 28, 372, 394; Vol. V, p. 108.

<sup>4</sup> This account of Charles Lynch is largely taken from Dr. T. W. PAGE's admirable article on "The Real Judge Lynch" in the *Atlantic Monthly* for December, 1901, Vol. LXXXVIII, pp. 731-43, and from Mr. H. C. FEATHERSTON's article on "The Origin of Lynch Law" in the *Green Bag* for March, 1900, Vol. XII, pp. 150-58. Dr. Page assumes but does not prove the connection between Charles Lynch and lynch law. I am indebted to Dr. J. E. CUTLER for calling my attention to Mr. Featherston's article. The statements of Dr. Page and of Mr. Featherston are somewhat at variance, and, in such cases, as neither is apt to give his authority, it is impossible to determine which is correct. Allusions to Charles Lynch will also be found in the following works: B. TABLETON, *History of the Campaigns of 1780 and 1781* (1787), p. 272; C. STEDMAN, *History of the American War* (1794), Vol. II, p. 338; H. LEE, *Memoirs of the War* (1812), Vol. I, pp. 330, 341, 345; C. CALDWELL, *Memoirs of N. Greene* (1819), p. 233; W. JOHNSON, *Sketches of N. Greene* (1822), Vol. II, p. 3; W. G. SIMMS, *Life of N. Greene* (1858), p. 186; G. W. GREENE, *Life of N. Greene* (1871), Vol. III, pp. 184, 196; F. V. GREENE, *General Greene* (1893), pp. 213, 217, 219, 220; *Virginia Magazine*, Vol. X, pp. 296, 297; T. JEFFERSON, *Writings* (ed. FORD), Vol. II, p. 487.

Mr. Featherston says: "Under his [Charles Lynch's] direction, suspected persons were arrested and brought to his house, where they were tried by a court composed of himself, and the gentlemen above named [W. Preston, R. Adams, Jr., J. Callaway] the latter sitting as associate justices. From this circumstance he was afterwards often called 'Judge Lynch.'" Charles Lynch may have been called "Judge" by his contemporaries, but as yet no proof of the fact has been adduced. The only title I have found given him by his contemporaries is that of "Colonel."

<sup>5</sup> On December 2 and 20, 1780, a petition was presented and considered from Harry Terrill, representing that "in the month of September last, he received orders from the commanding officer of Bedford county to summon a guard for the purpose of conveying to the public jail, a number of men on suspicion of treason," and praying for a farther allowance (*Journal of the House of Delegates*, pp. 35, 36, 60). On November 21, 1780, John Meade-jailer of Bedford County, presented a petition asking for compensation "for the main-tenance of prisoners confined in the said jail." On December 5 "Mr. Richard Lee reported

Lynch been the only person who resorted to illegal acts in dealing with Tories, there might be strong presumptive evidence that to his connection with such illegal acts we owe the term lynch law. But the fact is that many others were equally concerned in such illegal acts. In 1777 "the Governour and Council, and others" were indemnified "for removing and confining Suspected Persons during the late publick danger."<sup>1</sup> In 1779 "William Campbell, Walter Crockett, and others" were indemnified for illegal acts committed "in suppressing a late conspiracy."<sup>2</sup> In 1782 "William Preston, Robert Adams, junior, James Callaway, and Charles Lynch, and other faithful citizens" were indemnified for measures (taken in suppressing a conspiracy in 1780) not "strictly warranted by law, although justifiable from the immi-

. . . as followeth: It appears to your committee, that during the last summer, there were committed to the petitioner's care as keeper of the jail of the county of Bedford, the following persons, as well on suspicion of treasonable practices against the State, as other offences, to wit: . . . It also appears to your committee, that the said persons remained in the petitioner's custody and keeping, the term of eighteen days, during which time they were furnished with good and wholesome food, to procure which put the petitioner to great expense and trouble. . . . It also appears to your committee, that upon application being made to the auditors of public accounts, for a warrant for the amount of the said account, they refused to grant the same; and would only allow the petitioner the ordinary fees for criminals." Meade was allowed £6,480, but on December 21 this was cut down to £5,400. (*Journal*, pp. 23, 37, 38, 64.) Dr. PAGE writes: "Tradition says that Colonel Lynch was made aware of the conspirators' plans by one of their own number. He had them all arrested, and found among them some of the leading men of the county; two of them, indeed, Robert Cowan and Thomas Watts, had formerly been his fellow justices on the bench of the county court. . . . Robert Cowan, who seems to have been the ringleader, was sentenced to a year's imprisonment and a fine of £20,000." The persons who spent eighteen days under the care of Meade were seventy-five in number, their names are given in the *Journal* (pp. 37, 38), and among them were Robert Cowan and Thomas Watts. Dr. Page and others write as if Charles Lynch was solely responsible for the arrest and illegal punishment of these Tories, but this is a mistake.

<sup>1</sup> HENING, *Virginia Statutes*, Vol. IX, pp. 373, 374. The preamble recites: "WHEREAS, on the late appearance of a hostile fleet in the bay of Chesapeake, . . . it become [*sic*] necessary for the governour and council, for the publick safety, to remove and restrain, during the imminence of the danger, . . . certain persons whose affections to the American cause were suspected, . . . and it may happen that some of the said persons so removed and restrained may be disposed to vex with actions at law those who were concerned in advising, issuing, or executing the orders for that purpose," etc.

<sup>2</sup> On October 22, 1779, it was "Resolved, That William Campbell, Walter Crockett, and others, concerned in suppressing a late conspiracy and insurrection on the frontiers of this State, ought to be indemnified for any proceedings therein not warranted by law" (*Journal of the House of Delegates*, p. 21). A bill was presented by Thomas Nelson, Jr., and under dates of November 26, 27, December 11, 13, 15, 18, the bare facts are recorded in the *Journal*, pp. 71, 72, 85, 87, 90, 97. In the act itself it was recited that "the necessary measures taken for that purpose may not be strictly warranted by law, although justifiable from the immediate urgency and imminence of the danger," etc. (HENING, *Virginia Statutes*, Vol. X, p. 195). It may be added that Walter Crockett was a member of this legislature for Montgomery County (*Journal*, p. 4).

nence of the danger.”<sup>1</sup> In 1784 all persons were indemnified who committed “any insult or injury against the person of a certain Joseph Williamson” on October 10, 1783, “which was previous to the ratification of the definitive treaty between Great Britain and America.”<sup>2</sup> It is seen, then, not only that Charles Lynch was one of many who resorted to illegal proceedings, but that it was not he who “set the first example” of such proceedings.<sup>3</sup>

Wherever we find a term containing a proper name, there seems to be an ineradicable tendency in the popular mind to explain the term by referring it to some person or thing of the same name. *Uncle Sam*, *Brother Jonathan*, and other examples of this process will readily occur to the reader. To this tendency we may without hesitation attribute the dragging in of James Lynch of Galway, of Stephen Lynch of Jamaica, and of other real or imaginary persons named Lynch. With Charles Lynch of Virginia, however, the case is different. The accessible facts have been given in this paper, and each reader will draw his own conclusions. Charles Lynch was one of many, and by no means the first, who committed illegal acts against the Tories,<sup>4</sup> and for sixty

<sup>1</sup> HENING, *Virginia Statutes*, Vol. XI, pp. 134, 135. The wording of the act follows closely that of 1779. The bill was presented by J. Talbot, November 29, 1782, and allusions to it will be found under dates of November 25, 29, 30, December 2, 4, 24, in the *Journal of the House of Delegates*, pp. 36, 43, 45, 47, 52, 79. Dr. Page says: “To avoid the trouble of a lawsuit, Lynch had the matter brought up before the legislature, of which he was still a member.” This is an error, for Charles Lynch was not a member at that time. John Talbot and Robert Clarke were the members for Bedford County, and Robert Adams, Jr., and William Brown for Campbell County (*Journal*, p. 4).

In his *North Carolina, 1780-81*, 1889, p. 310, D. SCHENCK wrote: “In Judge Lynch’s court there generally sat as associates Robert Adams and James Calloway, and an old song commemorating their judgments ran thus:

‘Hurrah for Colonel Lynch, Captain Bob and Calloway,  
They never turned a Tory loose  
Until he shouted liberty.’”

This song clearly points to the measures of 1780, but there is in it no suggestion of the term lynch law.

<sup>2</sup> HENING, *Virginia Statutes*, Vol. XI, p. 373. It seems fair to assume that this Williamson was a Tory. On May 30, 1783, Arthur Lee presented a bill “to indemnify all officers of the army of the United States, and others, for acts necessarily done in execution of military orders” (*Journal of the House of Delegates*, p. 27).

<sup>3</sup> If the practice of lynch law had its origin in the measures taken to suppress Tories, we should logically expect such a term as “Campbell’s law” or “Crockett’s law” rather than “Lynch’s law.” Nevertheless, as logic often plays an unimportant part in the springing up of new words and phrases, it may be that in these illegal acts against the Tories the true origin of the term lynch law is to be found.

<sup>4</sup> That, as has frequently been stated, Charles Lynch illegally punished desperadoes, may be true; but as yet no proof has been adduced.

years he has been generally regarded as the person from whom the term lynch law took its name. On the other hand, the term itself is not known to have been in existence until 1817, or twenty-one years after the death of Charles Lynch;<sup>1</sup> not until 1842, or forty-six years after his death, were his name and lynch law associated together; and there is no contemporary evidence connecting Charles Lynch with lynch law.<sup>2</sup> In the opinion of the present writer, so far as Charles Lynch is concerned, the Scotch verdict of "not proven" must be rendered; and the true origin of the term lynch law has yet to be determined.

ALBERT MATTHEWS.

BOSTON.

<sup>1</sup>Writing a quarter of a century after the event, Judge Roane spoke of suits which were brought in 1792. Granting that his memory was good and that such suits were brought, it by no means follows that the term Lynch's law was known in 1792. In short, it has yet to be proved that the term was in existence in the lifetime of Charles Lynch. An attempt on the part of the present writer to obtain further information in regard to these suits has proved fruitless.

<sup>2</sup>John Lynch (the founder of Lynchburg) died October 31, 1821, and Capt. John Lynch (a son of Charles Lynch) died in 1840. Contemporary obituary notices of these two were given by Mrs. CABELL in her *Sketches and Recollections of Lynchburg*, pp. 13, 17, but there is in them no allusion to lynch law. Could an obituary notice of Charles Lynch be found, it might yield some pertinent facts; but my search for Lynchburg newspapers of 1796 has been unsuccessful, and in other Virginia papers of that date I have not found a notice of Charles Lynch.